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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 VAL DINARDO,

11 Plaintiff,

12 v.

13 WOW 1 DAY PAINTING, LLC,

14 Defendant.

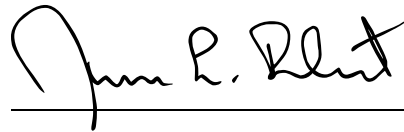
CASE NO. C16-1600JLR

ORDER DISMISSING  
COUNTERCLAIMS WITHOUT  
PREJUDICE

15 On January 23, 2018, the court issued an order granting Defendant WOW 1 Day  
16 Painting, LLC's ("WOW") motion for summary judgment and directing the parties to  
17 show cause why WOW's compulsory counterclaims should not be dismissed without  
18 prejudice. (Order (Dkt. # 42).) On January 31, 2018, the parties responded to the court's  
19 order to show cause. (WOW Resp. (Dkt. # 45); DiNardo Resp. (Dkt. # 43).) Both WOW  
20 and Plaintiff Val DiNardo agree that WOW's counterclaims should be dismissed without  
21 prejudice. (*See* WOW Resp. at 2 ("WOW respectfully submits that considerations of  
22 judicial economy, convenience, and fairness to the litigants are served by dismissing the

1 counterclaims without prejudice . . . .”); DiNardo Resp. at 5 (“[T]his Court should  
2 dismiss the remaining Counterclaims without prejudice.”).) Accordingly, the court  
3 DISMISSES WOW’s counterclaims WITHOUT PREJUDICE.<sup>1</sup> The court further  
4 DIRECTS the Clerk to close this file.

5 Dated this 2nd day of February, 2018.

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8 JAMES L. ROBERT  
9 United States District Judge  
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22 <sup>1</sup> The court makes no determination as to the appropriate forum for refiling WOW’s counterclaims.